THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.10097 of 2007

Dated: 04-06-2007

Between:

M. Peda Nageswara Rao and others.

..... PETITIONERS

AND

The Joint Collector, Machilipatnam, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.10097 of 2007

ORDER:

The petitioners allege that third respondent, namely, the Tahsildar, Mandavalli, and his subordinates are trying to dispossess them from the fish tanks/lands in survey Nos.165/3 and 183 situated at Pillipadu Village, Mandavalli Mandal, Krishna District, during the pendency of the revision petition filed by them before first respondent, namely, the Joint Collector, under Section 4-B of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (the Act, for brevity).

It is the case of the petitioners that they have been in possession of small extents of land

since 1978 onwards and that they converted the same into fish tanks. Third respondent initiated action under the provisions of the Act and issued notice to them alleging that they were in possession/occupation of the land assigned to one Jayamangala Subba Rao of Pullaparru Village in contravention of Section 3 of the Act. The petitioners submitted explanation. Rejecting the objections, the Mandal Revenue Officer (MRO) passed orders on 24.04.2006 ordering resumption, against which the petitioners unsuccessfully filed appeals before second respondent, namely, the Revenue Divisional Officer (RDO), which were dismissed on 30.03.2007. Against these orders, the petitioners preferred revision petition which is still pending. They also filed application for stay which is also pending. In the mean while, third respondent allegedly tried to dispossess them and remove the fish bunds of the tanks. Apprehending inaction, they filed instant writ petition.

After getting instructions, the learned Assistant Government Pleader for Revenue (General-A) submits that the revision petition is still pending. Therefore, this Court is not inclined to entertain the writ petition. However, it is observed that first respondent may immediately take up the interlocutory application filed by the petitioners and pass necessary orders within a period of one week from the date of receipt of a copy of this order. It shall also be open to first respondent to dispose of the revision petition also within such time.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

04th June, 2007

Note: Issue CC by tomorrow.

B/o

ghn